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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 412 of 1999

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MINOR FULCHANDBHAI CHHAGANLAL MALI

Versus

AGRICULTURAL PRODUCE MARKETINGCOMMITTEE

Appearance:

1. Appeal from Order No. 412 of 1999

MR ASPI M KAPADIA for Petitioner No. 1

MR PK JANI for Respondent No. 1

MR TUSHAR MEHTA for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 23/10/2001

ORAL JUDGEMENT

1. The appellant - plaintiff has filed this Appeal against the impugned order dated 10.5.1999 passed by the

trial Court dismissing the ApplicationEx.5 in Special Civil Suit No.110 of 1997. Initially the notice was ordered to be issued on this Appeal for the purpose of settlement, but due to some or other reasons the settlement could not be arrived at between the parties and therefore the Appeal was admitted on 23.2.2000.

2. Today, it was agreed between the learned Counsel for the parties that by way of full and final settlement the Appellant - plaintiff shall pay the remaining amount of Rs.2,25,750/- to the respondent Market Committee with 10 per cent interest on it in 6 equal monthly instalment commencing from 1.12.2001. On payment of last instalment the respondent Market Committee shall execute the Rent Note in favour of the appellant - plaintiff. If there is any default on the part of the appellant in paying instalment then it will be open to the respondent Market Committee to proceed against the appellant - plaintiff in accordance with law.

In terms of the aforesaid settlement this Appeal is disposed of.

Civil Application No.9167 of 1999 will not survive in view of the order passed in main Appeal from order No.412 of 1999. The same is accordingly disposed of.

sd/-

Date : October 23, 2001 (B.J.Shethna, J.)

sas